

**AFFIDAVIT
of
STACY R. BANKS
FEDERAL BUREAU OF INVESTIGATION**

I, Stacy R. Banks, being duly sworn, do hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of applications for search warrants for information associated with certain email accounts:

a. **23-SW-03012-WJE**: that is stored at premises controlled by Google, LLC, an email provider headquartered at 1600 Amphitheatre Parkway, Mountain View, California. The information to be searched is described in the following paragraphs and in Attachment A.

b. **23-SW-03013-WJE**: that is stored at premises controlled by Microsoft Corporation, an email provider headquartered at One Microsoft Way, Redmond, Washington. The information to be searched is described in the following paragraphs and in Attachment A.

This affidavit is made in support of applications for these search warrants under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Google, LLC, and Microsoft Corporation to disclose to the government copies of the information (including the content of communications) further described in Section I of Attachment B to each search warrant. Upon receipt of the information described in Section I of Attachment B to each search warrant, government-authorized persons will review that information to locate the items described in Section II of Attachment B to each search warrant.

2. I am a Special Agent (“SA”) with the Federal Bureau of Investigation (FBI) and am assigned to the Jefferson City, Missouri Office. I have been an SA with the FBI for

approximately eighteen (18) years. In the course of my career, I have participated in numerous investigations concerning violations of Title 18 and 21, United States Code. I am currently assigned to work criminal investigations involving white collar crimes. I have gained expertise in the conduct of such investigations through training in seminars, classes, and everyday work related to these types of investigations. I have conducted and assisted with investigations regarding computers, cell phones, and other related electronic storage devices and their use to commit and/or further crimes. I have been involved in the execution of search warrants to search residences and seize digital evidence including, but not limited to, computers, cell phones, and other related electronic storage devices.

3. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 18, United States Code, Sections 215(a)(2), 1956(a)(1)(B)(i), and 1343, that is, bribery of a bank official, money laundering, and wire fraud have been committed by Anthony O. Brockman and Tod Ray Keilholz. This affidavit will describe how the crimes committed by the subjects of this investigation were documented in communications contained in the two email accounts from March 1, 2020, through May 31, 2021. There is also probable cause to search the information described in Attachment A to each search warrant for evidence, instrumentalities, contraband, and/or fruits of these crimes further described in Attachment B to each search warrant.

JURISDICTION

5. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A), &

(c)(1)(A). Specifically, the Court is “a district court of the United States . . . that has jurisdiction over the offense being investigated.” 18 U.S.C. § 2711(3)(A)(i).

PROBABLE CAUSE

6. The FBI investigated a fraud scheme involving fraudulently obtained PPP loans by Tod Ray Keilholz, also known as (a/k/a) Todd Ray Keilholz (“Keilholz”) through entities he operated or controlled – including TRK Construction, LLC; TRK Valpo, LLC; TL Builders, LLC; and Project Design, LLC. On September 13, 2022, a Grand Jury in the Western District of Missouri returned a fifty-two count Indictment in *United States v. Keilholz*, 22-CR-04051-RK-01, charging Keilholz with Bank Fraud, in violation of Title 18, United States Code, Section 1344; False Statements to a Financial Institution, in violation of Title 18, United States Code, Section 1014; False Statements to the Small Business Administration, in violation of Title 18, United States Code, Section 1001; Aggravated Identity Theft, in violation of Title 18, United States Code, Section 1028A(a)(1); and Money Laundering, in violation of Title 18, United States Code, Section 1957(a) for a scheme to defraud lenders and the U.S. Small Business Administration (SBA) by applying for and obtaining the following loans in the name of the businesses listed based on material falsehoods and omissions:

- a. TRK Construction, LLC – September 21, 2018 - \$976,771 (Hawthorn Bank – Non-PPP Loan)
- b. TRK Construction, LLC – May 11, 2020 - \$1,706,260 (US Bank PPP Loan)
- c. TRK Valpo, LLC – June 23, 2020 - \$3,202,000 (Central Bank PPP Loan)
- d. TL Builders, LLC – June 30, 2020 - \$3,618,815 (US Bank PPP Loan)
- e. Project Design, LLC – July 20, 2020 - \$3,903,857 (US Bank PPP Loan)

7. Keilholz also applied for or submitted documentation in support of additional PPP loans in the name of the businesses listed based on material falsehoods and omissions; however, US Bank denied the following applications:

- a. TRK Valpo, LLC – May 28, 2020 - \$7,818,705 (US Bank – Initial PPP Loan)
- b. TRK Construction, LLC – January 19, 2021¹ - \$2,000,000 (US Bank – Second Round PPP Loan limited to \$2,000,000)
- c. TL Builders, LLC – January 19, 2021¹ - \$2,000,000 (US Bank – Second Round PPP Loan limited to \$2,000,000)
- d. Project Design, LLC – January 19, 2021¹ - \$2,000,000 (US Bank – Second Round PPP Loan limited to \$2,000,000)

8. Further, Keilholz sought PPP Loan Forgiveness for the following PPP loans based upon material falsehoods and omissions:

- a. TL Builders, LLC – May 20, 2021 (US Bank – for PPP loan funded June 30, 2020)
- b. TRK Construction, LLC – September 23, 2021 (US Bank – for PPP loan funded May 11, 2020)

9. As discussed below, in November 2020, Keilholz used \$73,543 in PPP loan proceeds to purchase a new 2021 Chevrolet Tahoe for Anthony O. Brockman (“Brockman”), who at that time was a US Bank employee who participated in the review of the aforementioned PPP loans both applied for and obtained by Keilholz. Brockman and Keilholz communicated via

¹ According to US Bank’s electronic loan file system, the loan application process for the second round PPP loans was initiated on January 19, 2021 even though some documents are dated on later dates.

cellular phone and Brockman caused PPP loan application documentation to be uploaded to US Bank's computer network. In order to accomplish these uploads, Brockman would had to have received these documents from Keilholz via communication in electronic form between a computer controlled by Keilholz.

10. As part of this investigation, a federal search warrant (22-3037-SW-WJE) was obtained by the FBI to search Keilholz's personal residence at 508 Summerhill Drive, Jefferson City, Missouri for evidence of these crimes, which included seizing and subsequently searching the contents of Keilholz's cell phone and computer(s).

11. The SBA was an executive branch agency of the United States government that provided support to entrepreneurs and small businesses. The mission of the SBA was to maintain and strengthen the nation's economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters. As part of this effort, the SBA enabled and provided for loans through banks, credit unions and other lenders. These loans had government-backed guarantees.

12. On March 27, 2020, The CARES Act established several new temporary programs and provide for the expansion of others to address the COVID-19 pandemic. Among these programs, the PPP authorized \$349,000,000,000 in forgivable loans to small businesses to retain workers and maintain payroll, make mortgage interest payments, lease payments, and utility payments.

13. The PPP Borrower Application Form required the borrower to submit documentation that established the borrower's eligibility for the loan and to make a series of certifications in order to be approved for the PPP loan by a financial institution. Acceptable documentation to establish eligibility for the PPP loan included payroll processor records, payroll

tax filings, Forms 1099-MISC, bank records, or income and expense forms from a sole proprietorship.

14. PPP loans were required to be re-paid over two-years at an interest rate of 1%. The maximum loan amount was \$10,000,000 per business. PPP loans were forgivable for the sum of documented payroll costs, covered mortgage interest payments, covered lease payments, and covered utilities. Originally, not more than 25% of the forgiven amount could have been spent for eligible non-payroll costs. Later, not more than 40% of the forgiven amount could have been spent for eligible non-payroll costs.

15. Keilholz was the sole owner the following entities:

a. TRK Construction, LLC, (TRK Construction) was organized in the State of Missouri on August 23, 2011. On March 8, 2017, Keilholz changed the business address to 508 Summerhill Drive, Jefferson, City, Missouri. In a quarterly wage report filed with the Missouri Division of Employment Security (MDES), TRK Construction reported the payment of \$220,741.09 wages to nine (9) employees from January 1, 2019, through March 31, 2019. TRK Construction filed no quarterly wage reports with MDES from April 1, 2019, through September 30, 2020. In a quarterly wage report filed with the Indiana Department of Workforce Development (IDWD), TRK Construction reported the payment of \$103,099.88 wages to five (5) employees from January 1, 2019, through March 31, 2019. TRK Construction filed no quarterly wage reports with IDWD from April 1, 2019, through September 30, 2020.

b. TRK Valpo, LLC, (TRK Valpo) was organized in the State of Missouri on February 22, 2017. TRK Valpo filed no quarterly wage reports with MDES from January 1, 2019, through June 30, 2020. In a quarterly wage report filed with MDES for the third

quarter of 2020, TRK Valpo reported the payment of \$145,156.02 wages to MDES for four (4) employees. TRK Valpo filed no quarterly wage reports with IDWD from January 1, 2019, through June 30, 2020. In a quarterly wage report filed with IDWD for the third quarter of 2020, TRK Valpo reported the payment of \$85,264.54 wages for five (5) employees.

c. TL Builders, LLC, (TL Builders) was organized in the State of Missouri on July 21, 2007. On March 28, 2018, Keilholz changed the business address to 508 Summerhill Drive, Jefferson City, Missouri. TL Builders filed no quarterly wage reports with MDES from January 1, 2019, through September 30, 2020. TL Builders filed no quarterly wage reports with IDWD from January 1, 2019, through September 30, 2020.

d. Project Design, LLC, (Project Design) was organized in the State of Indiana on November 15, 2018, with a principal business address of 1290 Arrowhead Court, Crown Point, Indiana. On February 5, 2019, Keilholz changed the principal address for Project Design to 2005 West Broadway, Suite 100, Columbia, Missouri 65203. Project Design filed no quarterly wage reports with MDES from January 1, 2019, through September 30, 2020. Project Design filed no quarterly wage reports with IDWD from January 1, 2019, through September 30, 2020.

16. In Small Business Administration (SBA) Paycheck Protection Program (PPP) loan applications, Keilholz identified his wife as an employee of TRK Construction, TRK Valpo, and Project Design, while Keilholz's wife worked as a full-time employee of the State of Missouri as a budget analyst with annual salaries ranging from \$35,952 to \$52,337. In 2017 and 2018, Keilholz's wife personally guaranteed commercial loans made to TRK Construction, LLC. Between February 21, 2019, and May 9, 2020, Keilholz's wife wrote personal checks identified as

“loan,” “investment,” “Valpo Investment,” and “interest on home loan” in the aggregate amount of \$216,350.00 to TRK Construction and Project Design. Between May 2020 and December 2020, Keilholz’s wife received business checks from TRK Construction, TRK Valpo, and Project Design funded with PPP loan proceeds in the aggregate amount of \$350,000 and denominated as “loan repayments.”

17. Prior to March 27, 2020, Keilholz, through TRK Construction, had accrued substantial and delinquent indebtedness to American Express, JP Morgan Chase, Citibank, N.A., NWI Medical Realty, LLC, Bell Hospital Systems, the Kansas City Chiefs Football Club, Renal Treatment Centers-Mid Atlantic, Inc., DVA Renal Healthcare, Inc., Renal Treatment Centers-Illinois, Inc., Total Renal Care, Inc., Adams Masonry, C&C Iron, Inc., C&S Concrete Construction, Inc., Circle R Mechanical, Inc., Emcor-Hyre Electric Company of Indiana, Gluth Brothers Roofing Company, Inc., Imboden Construction, Inc., McAllister Leasing & Excavating, Inc., Trout Glass and Mirror, Inc., Kleckner Interior Systems, Inc., Master Tile Carpet One, Inc., Ryan Fire Protection, Inc., and Hawthorn Bank. All or part of these debts were satisfied by PPP loan proceeds.

U.S. Bank National Association

18. U.S. Bank National Association (US Bank) was a financial institution headquartered in Cincinnati, Ohio, that did business in Jefferson City, Missouri. The deposits of US Bank were insured by the Federal Deposit Insurance Corporation (FDIC), under certificate number 6548. US Bank maintained a banking relationship with business entities controlled by Keilholz. After March 27, 2020, US Bank participated in the SBA’s PPP. US Bank made three PPP loans to entities solely owned by Keilholz.

19. Tonika Brockman (“T. Brockman”) was an Assistant Vice President and Business Banking Specialist at US Bank and the wife of Brockman. According to records obtained from US Bank in response to a federal grand jury subpoena, T. Brockman initially reached out to Keilholz via email on March 27, 2020 and stated that she was his “business banking specialist”. The email advertised credit card options, PPP loans, and SBA disaster loans and stated to call or text even if after banking hours.

20. According to a review of the emails contained on Keilholz’s cell phone pursuant to search warrant 22-3037-SW-WJE, Keilholz responded to T. Brockman’s email on March 30, 2020 at 11:01 a.m. and stated the following, “Hi Tonika, Thanks for responding. I would love help with the payroll loans from government and I was wondering if the government had loans for a building we are building in Valparaiso, IN Our investor pretty went busted with the market and now cant fund the building and the lease has put on hold the lease and now we are stuck with a 12 million dollar project. 10 million would be great and it was do to this virus stuff. We are now in need of help...”.

21. On March 30, 2020 at 12:56 p.m., T. Brockman forwarded the email that she sent to Keilholz on March 27, 2020 to Brockman. Brockman began working at US Bank on February 3, 2020 as the On-Site Manager for a branch of US Bank located in the Truman Medical Center in Kansas City, Missouri. The Truman Medical Center branch of US Bank closed in March of 2020 due to COVID. On April 12, 2020, Brockman’s job title changed to “COVID Temp Assignment 3” which was referred to within US Bank as the “PPP Project”. Brockman’s job title changed back to “On-Site Manager NMLS 2” on July 19, 2020. Brockman worked for US Bank through May 7, 2021.

22. On April 16, 2020, Keilholz applied to US Bank for a PPP loan to TRK Construction. In his application, Keilholz identified himself as the sole owner, falsely stated the business had 14 employees and an average monthly payroll of \$1,434,424, and falsely certified that the purpose of the loan was to fund payroll, lease and mortgage interest, utilities, and salary/commission. In supporting documentation, Keilholz falsely claimed that TRK Construction had \$18,875,308 in gross receipts or sales for 2019. On May 8, 2020, Keilholz signed the SBA Application and Note for a \$1,706,260 PPP loan for TRK Construction. On May 11, 2020, the PPP loan proceeds were deposited into TRK Construction's US Bank account ending in 7961. It does not appear that Brockman was involved in any aspect of this loan application even though T. Brockman forwarded to Brockman the copy of the welcome email she had sent to Keilholz.

23. On May 28, 2020, Keilholz applied to US Bank for a \$7,818,705 PPP loan to TRK Valpo based upon a claimed average monthly payroll of \$3,127,482. In IRS Schedule C Forms submitted with the application, Keilholz falsely claimed that TRK Valpo had \$39,469,429 in gross receipts or sales for 2019. Keilholz submitted materially different and false IRS Forms 941, IRS Schedule C's, and MDES and IDWD quarterly payroll wage reports in his application. On May 28, 2020, in supporting documentation, Keilholz falsely claimed TRK Valpo employed 12 persons during the first quarter of 2019. On June 11, 2020, in revised documentation, Keilholz falsely claimed TRK Valpo employed 170 persons during the first quarter of 2019.

24. On May 29, 2020, Keilholz sent an email to T. Brockman asking her to check on the TRK Valpo PPP application because he downloaded documents to the site but did not know if there was something else he needed to do. On June 2, 2020 between 8:21 a.m. and 8:44 a.m., T. Brockman had a conversation through Instant Message ("IM") with Brockman in which she asked

Brockman if he could check on the status of the PPP loan for TRK Valpo, LLC. At 9:39 a.m. on June 2, 2020, T. Brockman sent an email to Keilholz that read, “Good Morning Todd, You are in the review cue. There is nothing you need to do at this time.”

25. On June 5, 2020 at 10:33 a.m., Brockman sent an IM to T. Brockman that read, “that TRK business is on the radar again.” According to US Bank’s electronic loan file system for the TRK Valpo LLC PPP loan, US Bank user “DLSTAN1” began working on the loan file at 10:34 a.m. and rerouted the loan because the loan amount was over \$250,000. On June 5, 2020 at approximately 10:35 a.m., Philip Suiter with US Bank began working on the PPP loan application for TRK Valpo, LLC. Between June 5, 2020 and June 11, 2020, Suiter with US Bank exchanged numerous emails with Keilholz regarding the supporting documents that Keilholz submitted for the loan. In an email dated June 8, 2020, Suiter informed Keilholz of the following, “Per SBA guidelines, I cannot provide specific guidance or coaching outside of the link I have previously shared...Once I receive your corrected worksheet and documentation I will work with you to ensure I have everything I need to verify the request.”

26. On June 16, 2020, T. Brockman exchanged IMs with Brockman in which she asked Brockman to check the status of the PPP loan for TRK Valpo, LLC. Brockman responded that US Bank received payroll on that date. T. Brockman asked Brockman what she should tell Keilholz. Brockman responded that Keilholz needed to respond to the latest email and state that he has uploaded payroll documents.

27. On June 17, 2020, at 10:51 a.m., Suiter entered the comment, “2 sets of 941 docs with different amts” in US Bank’s electronic loan file system for the PPP loan application for TRK Valpo, LLC and declined the loan. On June 18, 2020, US Bank drafted a letter stating that they

denied this application because it was unable to verify the required payroll information from TRK Valpo.

28. Federal Grand Jury Subpoenas were served on AT&T for subscriber information and toll records for the phone numbers 573-694-6636 and 816-830-2721. According to AT&T, the subscriber for the phone number 573-694-6636 was Keilholz starting on December 24, 2004 and the account was still active on the date of the subpoena. According to AT&T, the subscriber for the phone number 816-830-2721 was Brockman starting on December 24, 2018 and the account was still active on the date of the subpoena. An analysis of the toll records indicated that Brockman initially contacted Keilholz via telephone on June 18, 2020. On June 18, 2020, three phone calls occurred between Keilholz and Brockman between 2:27 p.m. and 4:11 p.m.

29. At approximately 4:13 p.m. on June 19, 2020, Brockman sent an email to Keilholz's email account tkeil@trkvalpo.com from Brockman's US Bank email address, anthony.brockman@usbank.com. The subject line of the email read, "worksheet." According to the copy of this email that was provided by US Bank, there appears to be no attachment to this email. Keilholz responded to Brockman's email at 4:40 p.m. Keilholz's email stated, "Anthony Attached are the worksheets. I have the insurance sheets if you need them Thank you very much for helping." There were two documents attached to Keilholz's email titled "PPP Work Sheet 001.pdf", and "940 2019 FUTA 001.pdf". Both of these documents contained false information.

30. At approximately 4:47 p.m. on June 18, 2020, Brockman sent an email from his US Bank email account with the two documents provided by Keilholz to an internal US Bank email, SBDLCImagingShared@usbank.com. The body of the email stated, "Please upload to LDRS". LDRS is US Bank's loan file system.

31. On June 19, 2020 at 9:50 a.m., Keilholz sent an email to Brockman's US Bank email account that read, "Hi Anthony, Just wanted to check hoe it was going and if US Bank going to submit today?" According to the phone records obtained from AT&T, Brockman and Keilholz exchanged short phone calls at 10:05 a.m. and 10:06 a.m. on June 19, 2020. At 10:09 a.m., Brockman reinstated the TRK Valpo, LLC PPP loan to a working queue and entered the comment, "Client provided Form 940 for 2019" in the comments section of US Bank's electronic loan file system. On June 22, 2020, Suiter entered the code in US Bank's electronic loan file system to turn down the loan again and entered the comment, "Do not work."

32. On June 19, 2020, Keilholz applied to US Bank for a PPP loan to TL Builders. In his application Keilholz identified himself as the sole owner, falsely stated the business had 180 employees and an average monthly payroll of \$1,447,526, and falsely certified the purpose of the loan was to fund payroll, lease and mortgage interest, and utilities. In supporting documentation, Keilholz submitted false IRS Forms 940 and 941 that did not identify employees by name or social security number. Brockman assisted Keilholz in the loan application process as detailed in paragraphs that follow. On June 30, 2020, Keilholz signed the SBA Application and Note for a \$3,618,815 PPP loan for TL Builders. On July 2, 2020, the PPP loan proceeds were deposited in TL Builders' US Bank account ending in 2279. In connection with this loan, Keilholz submitted a Schedule C for TL Builders that falsely reported gross receipts or sales for 2019 in the amount of \$27,082,030.

33. On June 22, 2020, at 10:51 a.m., Keilholz sent an email to Brockman's US Bank email account that read, "Anthony Any luck on TRK VALPO What so you need for TL Builders." Brockman responded at 12:12 p.m. with an email to Keilholz that read, "TRK VALPO is in the processor's review. I did see notes on saying the processor has taken ownership. Give me until

later afternoon on TL Builders.” Keilholz responded at 12:18 p.m. with an email to Brockman’s US Bank email address that read, “I don’t need Valpo Want tl builders.” At approximately 1:55 p.m., Brockman telephonically contacted Keilholz and the phone call lasted almost four minutes. At 3:11 p.m., Keilholz sent an email to Brockman’s US Bank email account that read, “Anthony I will be sending you documents for TL Builders” and attached five documents to the email. On June 23, 2020 at 9:47 a.m., Brockman sent an email to SBDLCImagingShared@usbank.com that read, “Please upload to LDRS” and had the same five documents for TL Builders attached to it that Keilholz had sent to Brockman the day before.

34. Between June 24, 2020 and June 29, 2020, Brockman and Keilholz exchanged numerous emails where Keilholz asks Brockman for updates on the TL Builders PPP loan. All of the emails were sent to or sent from Brockman’s US Bank email account. In these emails, Keilholz asked for numerous updates on the status of the TL Builders PPP loan. Brockman responded that he saw someone was working on the loan and that there was no new information to report in separate emails to Keilholz on June 24, 2020. At 3:54 p.m. on June 24, 2020, Keilholz sent an email to Brockman’s US Bank email address that read, “Anthony I guy called and as for this for the underwriter. He said he sent over to underwriter but want to make sure he has it and see if he needs anything else.” Keilholz attached a document titled “TL Builders Proof of Address.pdf” to the email. At 4:02 p.m., Brockman responded to Keilholz’s email with an email that read, “I just uploaded into the portal.” At 4:23 p.m., Keilholz responded, “Thanks Anthony Sorry I’m a pain in the ass.” At 5:09 p.m., Brockman responded to Keilholz’s email with an email that read, “Not at all. The address deal has been cleared and a representative emailed me and said it’s on the correct path. I would say we should really make hay tomorrow.”

35. On June 25, 2020, at 11:07 a.m., Keilholz sent an email to Brockman's US Bank email address that read, "Hi Anthony I did get an update status but really did not tell me I have a pray that it is still going well. As always please keep a nervous guy update. Thank YOU!!!!!!". At 11:31 a.m., Brockman entered code D54 in the US Bank electronic loan file system for the TL Builders PPP loan with the comment "Over 250K." The prior code was D30 with the comment "Missing V Codes: V3". At approximately 12:58 p.m., US Bank employee Dominic Suardini entered the code D54 with the comment, "DXSUARD Working Loan."

36. On June 26, 2020 at 8:29 a.m., Keilholz sent an email to Brockman's US Bank email address that read, "Ye, Dominic. He was very helpful on documents he wanted. Below is his email and I have attached the documents he wants. Will you please make sure he received them and tell me the great news that he has sent on to SBA." Keilholz attached two documents to the email that were titled "2019 TL Builders All 941 Forms.pdf" and "PPP Work Sheet Signed 001.pdf". At 8:46 a.m., Brockman sent an email to SBDLCImagingShared@usbank.com from his US Bank email account that read, "Please upload to ldrs" and had the same two documents attached to it that Keilholz had just sent to Brockman. At 11:28 a.m., Brockman called Keilholz and the call lasted approximately 3 minutes. At 11:38 a.m., Keilholz sent an email to Brockman's US Bank email account that read, "Anthony, You could sneak it to the front of the line LOL." Brockman responded with, "lol." Keilholz then sent another email to Brockman's US Bank email account asking Brockman to keep an eye on it and Brockman responded affirmatively.

37. On June 29, 2020, Brockman and Keilholz exchanged numerous emails with Keilholz asking for updates on the loan status and Brockman responding. All of these emails were sent to or sent from Brockman's US Bank email account. Keilholz received loan paperwork for his signature on June 30, 2020 for the \$3,618,815 PPP loan for TL Builders, LLC. On July 2,

2020, the PPP loan proceeds were deposited into the TL Builders bank account at US Bank. Keilholz sent an email to Brockman's US Bank email account informing Brockman that he received the PPP loan proceeds that day.

38. On June 1, 2020, Keilholz applied to US Bank for a PPP loan to Project Design. In his application, Keilholz identified himself as sole owner, falsely stated the business had 18 employees and an average monthly payroll of \$1,561,543 and certified the purpose of the loan was to fund payroll, lease and mortgage interest, and utilities. The application reported a business address of 1290 Arrowhead Court, #A, Crown Point, Indiana for Project Design. In supporting documentation Keilholz falsely claimed that Project Design had \$34,654,789 in gross receipts or sales for 2019. Keilholz provided US Bank with a MDES Quarterly Contribution and Wage Report for the first quarter of 2020 that falsely purported that Project Design paid 215 employees aggregate wages of \$4,785,169. The social security numbers Keilholz associated to 196 of those purported employees did not match the names of the actual persons assigned to those social security accounts.

39. According to US Bank's electronic loan file system, the Project Design PPP loan application appeared to be a duplicate loan application, the name of the business was spelled incorrectly as "Rroject Design LLC", and the bank did not have all of the required documents to proceed. On June 30, 2020, a US Bank employee entered the following comment in the electronic loan file system, "Left message for customer to call me back trying to work app, but only have AMPW no other docs uploaded." AMPW refers to the PPP Average Monthly Payroll Worksheet. On July 1, 2020, a US Bank employee changed the code on the Project Design PPP loan application to F20 in the electronic loan file system. The code F20 means that the loan was turned down.

40. On July 8, 2020, at 8:36 a.m., Keilholz sent an email to Brockman's US Bank email address that read, "Toni, Did they extend the PPP? I did not get to do Project Design and would be a big help to do it." Brockman responded to Keilholz's email and said, "Yes they did. I'm no longer on the project but you need to supply the same payroll docs: All 4 quarters 941 for 2019 and 1st quarter 2020." Keilholz then asked Brockman in an email if Keilholz could send the documents to Dominic. At 11:51 a.m., Keilholz called Brockman and they had a phone conversation that lasted approximately 3 ½ minutes. At 3:42 p.m., Keilholz sent an email to Brockman that read, "Anthony Should I send to you to load up and how can I make sure that Dominic Suardini does this. He was very helpful last time." Brockman responded to Keilholz's email and stated, "I can try to loop him in. If you've loaded I can take a look." Keilholz asked Brockman to send Keilholz the link to load the documents. However, based on their email exchanges, Keilholz could not log into the system to upload the documents himself. Between 4:00 p.m. and 4:20 p.m., Keilholz sent three emails to Brockman's US Bank email address that contained six pdf documents related to Project Design. In the last email, Keilholz stated, "Last one and thank you I hope they give me an access number."

41. On July 9, 2020, at 9:05 a.m., Keilholz sent an email to Brockman's US Bank email address that stated, "Anthony, Here is the US Bank work sheet. Thanks for your help yet again." The email had a document attached to it titled "Project Design Paycheck Protection Program Average Monthly Payroll Worksheet.pdf." Keilholz followed up with another email to Brockman asking Brockman to acknowledge the receipt of the documents and that they are uploaded. Brockman responded that he received the documents and uploaded them for Keilholz. At approximately 9:25 a.m., Keilholz sent an email to Brockman's US Bank email address that read, "When I am up in Kansas City next, I really would like to take you out to dinner. I feel like you

are friend and a person that is genuine and really cares. Blessed I have met you!”. Brockman responded, “Todd I look forward to dinner for sure. That’s why I am in this business. I care and love helping my customers.” At 3:42 p.m., Brockman sent an email from his US Bank email account to SBDLCImagingShared@usbank.com that read, “Please upload to LDRS” and had the document attached to it that Keilholz had just sent to Brockman. At 3:45 p.m., Brockman sent an email from his US Bank email account to Dominic Suardini at US Bank that read, “Good afternoon Dominic, This is a application that was turned down. However, with the extension the customer would like to push forward with the application. He remembers your name for helping him out with PPP for other business. I just thought I would shoot you a note if there is anything you can do to be involved with this one.” Suardini responded to Brockman’s email stating, “Hello Anthony, I am no longer on the PPP. I just started my normal job again this week. I just pulled it up and it’s in turndown so you could email the PPP volunteers email and they should be able to help get it going again.”

42. On July 10, 2020, Brockman submitted an email from his US Bank email account to SBAPPPLoanVerification@usbank.com regarding the Project Design loan stating, “This customer has supplied the documents to get the application going since the extension.” Brockman received a response from a US Bank employee who advised that she reactivated the loan application, that there was a typo with the business name on the application, and that the documents support a higher loan amount than what was requested. The US Bank employee told Brockman what needed to be done if Keilholz wanted to increase the loan amount. At 5:57 p.m., Brockman called Keilholz and they had a phone conversation that lasted approximately 3 ½ minutes.

43. On July 20, 2020, Keilholz signed the SBA Application and Note for a \$3,903,857 PPP loan for Project Design and the PPP loan proceeds were deposited into Project Design's US Bank account ending in 2290.

44. Between June 18, 2020, and August 6, 2020, Brockman and Keilholz had approximately 53 contacts or attempted contacts telephonically. There was no further telephonic contact between Keilholz and Brockman until October 29, 2020. However, Keilholz and Brockman exchanged text messages on October 6, 2020. This was the first date that Keilholz and Brockman exchanged text messages according to the toll records. Between October 29, 2020 and November 4, 2020, Keilholz and Brockman had approximately six telephonic contacts.

45. On September 28, 2020, Keilholz sent an email to Brockman's US Bank email account that read, "Hi Anthony, I hope you and your family are doing well. I am acquiring about the PPP forgiveness for my companies that I received PPP loans. When do we apply for these and are you going to be a part of these? Yes, asking for you help once more." Brockman responded on the same day, "Lol. Hey Todd. I am not going to be apart of the forgiveness initiative. I will learning more about forgiveness in the coming weeks and of course I will help you out."

46. On October 23, 2020, at 10:06 a.m., Keilholz received a secure email from US Bank regarding TRK Construction with the subject "Important US Bank forgiveness pre-application information". At 10:10 a.m., Keilholz forwarded the email to Brockman's US Bank email address and stated, "I'm sure you will help on this."

47. On October 27, 2020, at 2:32 p.m., Keilholz received a secure email from US Bank regarding TRK Construction with the subject "TRK Construction LLC, apply for forgiveness of

your PPP loan with U.S. Bank.” At 2:54 p.m., Keilholz forwarded the email to Brockman’s US Bank email with the message, “Now we have something to do lol.”

48. On October 29, 2020 at 9:38 a.m., Brockman responded to Keilholz’s October 27, 2020, email with the message, “Good morning Todd, Have you initiated this process?” This email was sent from Brockman’s US Bank email account. Keilholz responded with two separate emails that read, “Not yet. Just received it.” and “Waiting for your guidance lol.” In addition, Keilholz called Brockman’s cell phone number at 6:42 p.m. and the call lasted for approximately seven minutes.

49. On November 4, 2020, while Brockman was still an employee of US Bank, a 2021 Chevrolet Tahoe K1500, VIN 1GNSKTKL4MR108934, was purchased from Jim Butler Linn Chevrolet located at 317 W. Main Street, Linn, Missouri for \$73,344 in Brockman’s name. There was also an administrative fee of \$199 added to the purchase price of the vehicle. In addition, optional equipment, accessories, and warranties were purchased in the amount of \$5,379. Brockman resided at 11611 N. Crystal Avenue, Kansas City, Missouri at the time of the purchase which was approximately two hours and 50 minutes from Jim Butler Linn Chevrolet. According to an interview with the salesperson for this purchase, Keilholz was with Brockman when the purchase was made and they already knew which vehicle they wanted to purchase before they came to the dealership. According to Jim Butler Linn Chevrolet’s file for this purchase, a cashier’s check from US Bank dated November 2, 2020, in the amount of \$73,543 was given to Jim Butler Linn Chevrolet for the purchase of this vehicle. However, there was no remitter name on the cashier’s check. A Visa credit card was utilized to pay the remaining \$5,379 of the total purchase price for the vehicle which covered the optional equipment, accessories, and warranties purchased on the vehicle. Based upon the information provided by Jim Butler Linn Chevrolet,

this Visa credit card appears to belong to Brockman. Keilholz' name appeared nowhere in Jim Butler Chevrolet's file for this purchase.

50. According to US Bank, the cashier's check was purchased by withdrawals totaling \$73,543 from the bank account of TRK Construction, LLC ending in 7961. Based upon a review of the bank records for TRK Construction, LLC, there were no significant deposits into the TRK Construction, LLC bank account after the deposit of the \$1,706,260 PPP loan proceeds other than transfers from Keilholz's other business bank accounts, which were also funded by PPP loans. Therefore, the 2021 Chevrolet Tahoe was purchased for Brockman by Keilholz with PPP loan proceeds. In an interview, Keilholz advised that this was the only time that he met Brockman in person.

51. According to the Missouri Department of Revenue, Brockman paid the sales tax on the 2021 Tahoe and titled it in his name on December 2, 2020. However, on May 25, 2021, the Missouri Department of Revenue received documentation and retitled the vehicle to Rich Girl Rich Boy Prep. A Missouri Department of Revenue General Affidavit, Form 768, was filled out and submitted to the Missouri Department of Revenue that stated that the 2021 Chevrolet Tahoe was given to Rich Girl Rich Boy Prep on December 29, 2020, and no money or valuable consideration was involved in the transaction. Brockman was reported as the owner of the vehicle on the affidavit and a signature that appeared to be Brockman's signature signed the affidavit. A \$100 title penalty fee was assessed. The address reported for Rich Girl Rich Boy Prep on the Missouri Department of Revenue forms was the same address as Brockman's home address. T. Brockman was reported as the CEO of Rich Girl Rich Boy Prep on the back of the title for the 2021 Tahoe and it appeared that she signed the back of the title as the purchaser. According to a business search conducted on the Missouri Secretary of State's website, Rich Girl, Rich Boy Prep, Inc. was

a nonprofit corporation that was incorporated on January 4, 2021, and T. Brockman was the incorporator and registered agent. According to an interview with an employee of Gregg Young Chevrolet in Omaha, Nebraska, Brockman sold the 2021 Tahoe to the dealership in July of 2022 for \$67,000. The Tahoe had approximately 58,000 miles on it when the dealership purchased it from Brockman. The check issued by the dealership for the purchase of the 2021 Tahoe was made payable to Anthony Brockman, not Rich Girl, Rich Boy Prep, Inc.

52. Between the end of October of 2020 and the end of December of 2020, Keilholz exchanged numerous emails with Brockman utilizing Brockman's US Bank email account related to Brockman helping Keilholz obtain business credit cards from US Bank.

53. On December 22, 2020 at 9:11 a.m., Brockman sent Keilholz an email from Brockman's US Bank email account that read, "Good morning sir. Not in stone but info I wanted to pass along. • Borrowers that received a PPP loan in the first wave will have the ability to receive a second loan of up to \$2MM, if °They have 300 employees or fewer; ° They have experienced a 25% revenue reduction in any quarter (versus the same quarter the prior year – with alternative calculations for businesses that don't have full year of history) • Loan originations will run until 3/31, or until funds run out, whichever comes first." Keilholz responded the following via emails , "Thank you Sir:" and "Will they be going off the schedule C for the year of 2020 compared to last year." Brockman called Keilholz on December 24, 2020 at 11:09 a.m. and on December 25, 2020.

54. On December 28, 2020 at 1:56 p.m., Keilholz sent an email from the email account tkeil@trkproject.com to Brockman's US Bank email account. The subject line of the email read, "TL Builders Papers" and the body of the email read, "Anthony Page Two of TL Builders." There were two documents attached to the email that were titled "2020 2nd TL Builders MO Division of

Employment.pdf” and “2020 3rd Q TL Buillder MO Division of Employment.pdf.” This email was obtained from US Bank’s compliance with a federal grand jury subpoena and was not seen in the search of the contents of Keilholz’s cell phone. At 4:05 p.m., Keilholz sent an email from the email account tkeil@trkconstruct.com to the email account aobrockman@live.com. The subject line of the email read, “New TL Builders Schedule C” and the body of the email read, “Anthony, This is the correct TL Builders Schedule Trash the first one.” This email that was sent by Keilholz to aobrockman@live.com was obtained from a search of the contents of Keilholz’s cell phone that was seized during the search warrant executed on his residence on September 15, 2022 (22-3037-SW-WJE). However, from the download of Keilholz’s cell phone, I am unable to see whether a document was attached to this email. On December 30, 2020 at 12:29 p.m., Brockman responded from his US Bank email account to the email from December 29, 2020 at 1:56 p.m. with the subject line “TL Builders Papers” stating, “Don’t have gross receipts to compare for TL Builders. Didn’t use a schedule C for 2019.” This email was obtained from US Bank’s compliance with a federal grand jury subpoena and was not seen in the search of the contents of Keilholz’s cell phone.

55. On December 28, 2020, at 2:43 p.m., Keilholz sent two emails to Brockman at the email address aobrockman@live.com. The subject line of the first email read, “TRK Construction Docs” and the body of the email read, “Anthony, Here is the first email for TRK Construction Docs.” There did not appear to be any documents attached to this email. The subject line of the second email read, “TRK Construction 2 email” and the email read, “Last Page.” The email had two documents attached to it with the following titles: “2020 2nd Q TRK Construction Missouri Div. of Employment.pdf” and “2020 3rd Q TRK Construction Missouri Div. of Employment.pdf.” Prior to this email exchange, all of the emails that were referenced in this affidavit were received from US Bank in compliance with a federal grand jury subpoena. At

approximately 3:24 p.m., Keilholz sent an email to Brockman's US Bank email account that read, "Anthony Here is the correct Schedule C for TRK Construction" and a document with the title "2020 TRK Construction Schedule C.pdf" was attached. This Schedule C reported gross receipts or sales for TRK Construction in 2020 as \$14,156,481 and it reported wages paid by TRK Construction as \$10,848,810. On December 29, 2020, Keilholz placed two phone calls to Brockman that lasted over six minutes and four minutes each. On December 30, 2020, Brockman responded from his US Bank email account to Keilholz's email from December 28, 2020, and stated, "This one is right on at 25%. Should be okay."

56. On January 7, 2021, at 2:02 p.m., Keilholz sent an email from the email account tkeil@trkvalpo.com to Brockman's US Bank email account with the subject line, "PPP Papers." The body of the email read, "Anthony, Attached are the PPP papers for the second round for TL Builders You should have 1st quarter on 941 How des this look." Keilholz attached five documents to this email that included 2019 and 2020 Schedule Cs for TL Builders as well as Form 941 for TL Builders for second, third and fourth quarters of 2020. This email was not found in the search of the contents of Keilholz's cell phone. It was provided by US Bank as compliance to a federal grand jury subpoena. At approximately 2:04 p.m., a call was made from Brockman's cell to Keilholz's cell phone that lasted approximately 10 minutes.

57. On January 7, 2021, at 2:24 p.m., Keilholz sent an email to Brockman's US Bank email account with the subject line, "Project Design PPP Papers." The body of the email read, "Anthony Here are the PPP forms for Project Design." Based upon the documentation received from US Bank, I cannot tell from which email account Keilholz sent this email. However, Keilholz forwarded this email to Brockman's US Bank email account at 2:31 p.m. The second email was sent from the email account tkeil@trkvalpo.com. The body of the second email read,

“Please use this one on Project Design.” and included six documents. The documents included a 2019 Schedule C for Project Design LLC that reported \$34,654,789 in gross receipts, a 2020 Schedule C for Project Design LLC that reported \$23,568,127 in gross receipts, and IRS Form 941 for Project Design for all four quarters of 2020. I know from the investigation into Keilholz and review of the company’s bank records that Project Design had approximately \$16,000 in gross receipts during 2019 and \$22,000 gross receipts during 2020 other than PPP loan funds.

58. On January 7, 2021, at 3:05 p.m., Keilholz sent an email from tkeil@trkconstruct.com to Brockman’s US Bank email account with the subject line, “TRK PPP Loans.” The body of the email read, “Anthony, Attached is the TRK Construction PPP papers for second loan. Thanks for all your help. I sent the other two companies through TRK Valpo email so [b]e looking there.” There were six documents attached to this email with the following titles, “2019 TRK Construction Schedule C.pdf,” “2020 TRK Construction Schedule C.pdf,” “2020 2nd Q TRK Construction 941 Return.pdf,” “2020 3rd Q TRK Construction 941 Return.pdf,” “2020 4th Q TRK Construction New 941 form 1st and Sch B.pdf,” and “2020 TRK Construction 941 1st part A & B.pdf.” The 2020 Schedule C report gross receipts for TRK Construction as \$13,254,687 and wages paid as \$10,848,810. I know from the investigation into Keilholz and review of the company’s bank records that TRK Construction had no significant gross receipts during 2020 other than PPP loan funds. This email from Keilholz was observed in both the documents received from US Bank in compliance with a federal grand jury subpoena and in the search of the contents of Keilholz’s cell phone.

59. According to US Bank’s website, US Bank announced on January 18, 2021, that “the Small Business Administration (SBA) portal is now open to all eligible lenders for both first- and second-draw loans through the Paycheck Protection Program (PPP), paving the way for U.S.

Bank to once again accept applications from small businesses in need.” In addition, the announcement stated that the latest funding for these loans was signed into law on December 27, 2020, the day before Keilholz began sending his company documents to Brockman’s personal and US Bank email accounts.

60. On January 18, 2021, at 6:05 p.m., Keilholz received an email from US Bank and the subject line read, “Important SBA PPP Update.” At 8:49 p.m., Keilholz forwarded the email he received from US Bank to Brockman at the email address aobrockman@gmail.com with no message in the body of the email. Brockman responded to Keilholz’s email at 9:06 p.m. from the email account aobrockman@gmail.com with the message, “Yessir. Coming out of the gate strong.” At 9:12 p.m., Keilholz responded via email to aobrockman@gmail.com, “What time do you want to start.”

61. Between January 14, 2021, and January 20, 2021, Keilholz and Brockman exchanged numerous telephone calls including five calls on January 19, 2021. According to US Bank’s electronic loan file system, loan files for second round PPP loans in the amount of \$2,000,000 each were opened on January 19, 2021, for TRK Construction, Project Design, and TL Builders between 10:16 a.m. and 11:27 a.m.

62. On January 20, 2021, at 12:12 p.m., Brockman sent an email from his US Bank email account to US Bank employee Nastacha Medina. The subject line of the email read, “ACAPS#20210196105004 TL Builders” and there were five documents attached that appear to be the same documents that Keilholz sent to Brockman via email on January 7, 2021, at 2:02 p.m. (see paragraph 56). According to US Bank’s electronic loan file system, no entries were made into TL Builders’ loan file on January 20, 2021. However, a US Bank employee made a comment in the electronic loan file system on February 1, 2021 that read, “the schedule C provided for TL

Builders LLC shows a EIN ending 8666, but the EIN entered on your PPP application ends in 0862 sent TD email 2/1/21 to borrower.” On February 1, 2021, the second round PPP loan application was declined by that same US Bank employee. On February 1, 2021, at 10:46 a.m., Keilholz received an email from US Bank in the email account tkeil@tlbuilder.com. The subject line of the email read, “Steps to update your TAX ID NUMBER on your SBA PPP application ACAPS 20210196105004 key123.” At 11:29 a.m., Keilholz placed a call to Brockman that lasted approximately 3 minutes. Keilholz forwarded the email to Brockman’s US Bank email account at 11:34 a.m. and the body of the email read, “I attached the Schedule C with the FED # on if I forgot, maybe that’s why they are denying it See what you can do with this PLEASEEEE.”

63. On January 20, 2021, at 12:16 p.m., Brockman forwarded Keilholz’s email dated January 7, 2021, with the subject line “TRK PPP Loans” and all of its attachments (see paragraph 58) to US Bank employee Nastacha I. Medina. According to US Bank’s electronic loan file system, entries were made into TRK Construction’s loan file on 3:46 p.m. on January 20, 2021.

64. According to the review of the contents of Keilholz’s cell phone, Keilholz received an email from Ticketmaster on January 23, 2021, and the subject line read, “Anthony Brockman accepted your ticket transfer for AFC Championship – Chiefs v Bills.” Keilholz also received another email from Ticketmaster and the subject line read, “Anthony Brockman accepted your ticket transfer for Parking – AFC Championship.” According to a Google search, the Kansas City Chiefs football team played against the Buffalo Bills in Kansas City on January 24, 2021.

65. On January 30, 2021, at 2:04 p.m., Keilholz forwarded an email that he received from US Bank at 1:57 p.m. to Brockman at the email address aobrockman@gmail.com. The subject line of the email read, “Fwd: Action required: status update on your U.S. Bank application.” The body of the email from Keilholz to Brockman stated, “Received this and I text

you what it said on continue application.” According to US Bank’s electronic loan file system, this email appears to be for the TRK Construction second round PPP loan application. On February 1, 2021, at 8:23 a.m., Keilholz forwarded the same email to Brockman’s US Bank email account.

66. On February 1, 2021, at 11:34 a.m., Keilholz forwarded an email he received from US Bank to Brockman’s US Bank email account. The email sent to Brockman by Keilholz from the email account tkeil@tlbuilder.com. The subject line of the email read, “FW: Steps to update your TAX ID NUMBER on your SBA PPP application ACAPS 20210196105004 key123.” The ACAPS number in the subject line was assigned to the second round PPP loan application submitted to US Bank for TL Builders. According to US Bank’s electronic loan file system, a US Bank employee sent an email regarding this loan at 10:46 a.m. on February 1, 2021 and declined the loan. Brockman and Keilholz exchanged numerous phone calls on February 1, 2021. There is a letter in the documents provided by US Bank in the federal grand jury subpoena compliance that was dated February 2, 2021, stating the TL Builders loan with the reference number 20210196105004 was denied.

67. On February 2, 2021, at 9:05 a.m., Keilholz forwarded an email that he received from US Bank on January 19, 2021, at 10:16 a.m., to Brockman’s US Bank email address. Keilholz received the email from US Bank at the email address tkeil@trkproject.com and the subject line read, “Action required: status update on your U.S. Bank application.” The body of the email that Keilholz sent to Brockman read, “On this one it keeping saying complete application This Project Design.” This email was sent from tkeil@trkproject.com. This email was not observed in the search of the content of Keilholz’s cell phone. I was obtained from US Bank as part of their federal grand jury subpoena compliance.

68. On February 2, 2021, at approximately 11:10 a.m., a call was made by Brockman's cell phone to Keilholz that lasted approximately 13 minutes. According to US Bank's electronic loan file system, a new loan file was created for a \$2,000,000 second round PPP loan for TL Builders at 11:25 a.m. on February 2, 2021. On February 2, 2021, at 11:35 a.m., Keilholz sent an email to Brockman's email address aobrockman@live.com. The subject line of the email read, "TL Builders resubmitted" and the body of the email read, "Anthony, I finished the resubmission of TL Builders Here is the documents they may need to upload with the EIN number." There were nine documents attached to the email. At 1:43 p.m., Keilholz sent an email to Brockman's email address aobrockman@live.com with the subject line, "Tl Builder files." The body of the email stated, "These are the RIGHT FILES for TL BUILDERS Sorry about the screw up on others." There were five documents attached to the email. Keilholz also sent two emails to Brockman's US Bank email account at 3:10 p.m. and 3:11 p.m. that had five documents attached to them. At 3:17 p.m., Brockman sent an email to Keilholz from Brockman's US Bank email address that read, "These are the ones you sent before we got started a few weeks back correct?" Keilholz responded to Brockman's email stating, "Anthony those are the one with the right federal ID number on them I made sure of them changed them I don't know how she screwed that up but if they are the correct ID on them now the numbers and everything else are the same far as the amounts." No other entries were made in this loan file until February 5, 2021, and the loan was declined on February 20, 2021.

69. On February 3, 2021, at 9:23 p.m., Jaitali Pate with US Bank sent a secure email to Keilholz and the subject line read, "Action needed: SBA PPP application ACAPS 20210193112743 key123." The ACAPS number in the subject line was assigned to the second round PPP loan application submitted to US Bank for TRK Construction. At 9:49 p.m., Keilholz

forwarded this email to Brockman's US Bank email account with the message, "Hi Anthony, Just received this Lets talk in the morning and see what we need to change and maybe you can talk with guy."

70. On February 4, 2021, at 8:05 a.m., Keilholz sent an email to Brockman's US Bank email account with the subject line, "TRK Constructions email 1 of 2." The body of the email read, "Anthony, Used attached docs" and it had three documents attached to the email. The three documents were titled "2019TRK Construction Schedule C.pdf," "2020 Schedule C Signed.pdf," and "2020 TRK Const 1st Q 941_MO.pdf." At 8:10 a.m., Keilholz sent another email to Brockman's US Bank email account. This email had a subject line that read, "TRK Construction email 2 of 2" and the body of the email read, "We are using the 2020 documents not the 2019 so you can send him these to upload or O can upload in his secure mail if you think these are good." The email had three documents attached to it that were titled "2020 TRK Const 2nd Q 941_MO.pdf," "2020 TRK Const 3rd Q 941_MO.pdf," and "2020 TRK Const 4th Q 941_MO.pdf." Keilholz also sent an email to Brockman's US Bank email account at 10:11 a.m., that stated, "Correct TRK Construct 2020 Schedule C Signed." The email had a document attached to it titled "2020 Trk Construction Schedule C Signed..pdf." Brockman called Keilholz at 11:29 a.m. and they talked for approximately 5 ½ minutes. According to US Bank's electronic loan file system, entries to the TRK Construction loan file were made at 6:20 p.m. One of the entries had the comment "Application was updated and routed by IMG." In the loan file for TRK Construction that was received from US Bank via federal grand jury subpoena, a document titled US Bank PPP Documentation Guide dated February 4, 2021, was in the loan file. The document reported a total salary of employees of TRK Construction of \$11,069,744 for 2020. According to records obtained from the Missouri Division of Employment Security, TRK Construction reported \$0 in

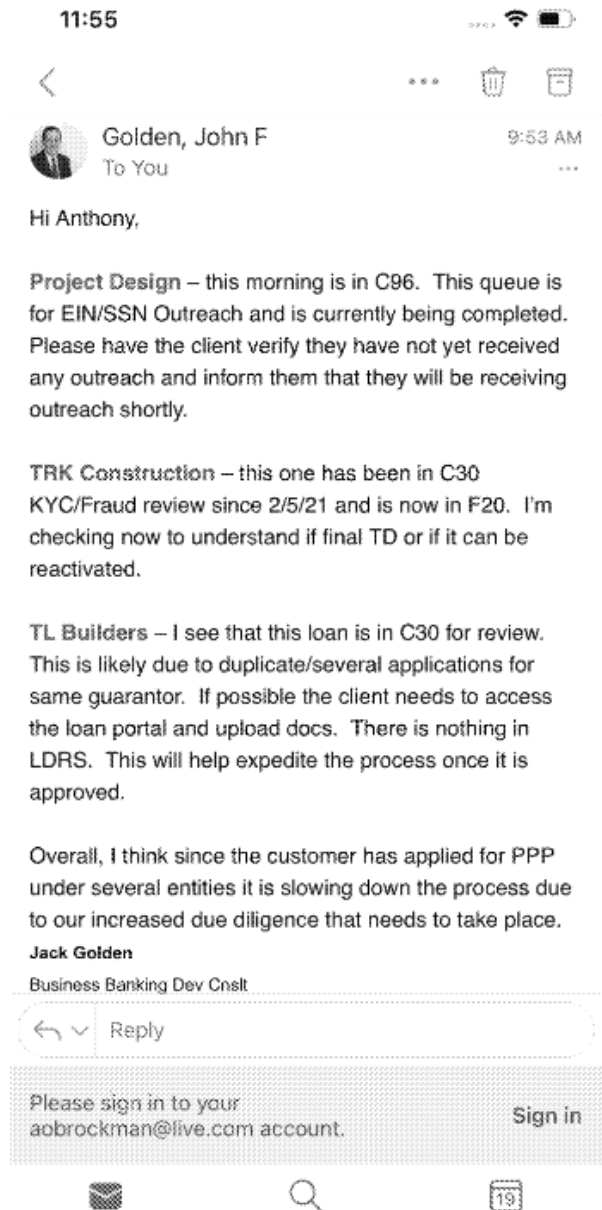
wages paid to employees during the first three quarters of 2020. At 6:43 p.m. Keilholz called Brockman on Brockman's cell phone and the call lasted approximately 2 ½ minutes.

71. On February 2, 2021, at 10:12 a.m., Keilholz forwarded an email to Brockman that Keilholz received from US Bank on January 19, 2021. The email was forwarded to Brockman's email address aobrockman@live.com. The original email had been sent to Keilholz's email account tkeil@trkproject.com. The subject line of the email read, "FW: Action required: status update on your U.S. Bank application." On February 5, 2021, at 9:08 a.m., Brockman responded to the email from the email account aobrockman@live.com and the body of the email is as follows "Do you have an email like this for TRK Construction? Subject line says Action Required? If so send to this email please." At 9:19 a.m., Keilholz forwarded an email that he had received from US Bank on February 4, 2021, at 6:21 p.m., to Brockman's email address aobrockman@live.com. The subject line of the email read, "FW: Action required: status update on your U.S. Bank application." This email had been sent to Keilholz's email account tkeil@trkconstruct.com.

72. On February 18, 2021, US Bank notified Keilholz that his loan application for the TRK Construction second round PPP loan was denied. At 10:40 a.m., Keilholz called Brockman's cell phone and the call lasted approximately 40 minutes. At 1:31 p.m., Brockman sent an email from his US Bank email account to US Bank employee John F. Golden. The body of the email read, "Hello Jack, I wanted to reach out to you because this customer is having major issues. Really and truly US Bank has dropped the ball for this customer who I am working really hard to win over and become is primary bank. Here is the list: 20210194101606 Project Design This ACAPS is showing in D62. I was advised that we would reach out to the customer by this past Tuesday to clear criminal history. Kinda weird this is coming up this time around but US

Bank has not reached out They keep advising him that the SBA is reviewing and nothing further for him to do. 20210193112743-TRK Construction This one is turned down due to expiration. However he was told the file was being worked and to wait on US Bank for next steps. This one is baffling being as user name MAGWINN stated the file was reviewed. BTW user MAGWINN stamped all three files on 02/05/2021 20210338112544-TL Builders This one was time stamped by MAGWINN on 02/05 and is sitting in C30 The customer was also advised by the service center there was nothing for him to do The customer is getting frustrated because we are not advising him next steps or status of application. Are you able to help out in this instance to get the ball rolling. Thank you PS I am off til Monday so feel free to call mobile. 816-830-2721.”

73. On February 19, 2021 at approximately 11:57 a.m., Brockman sent an email to Keilholz from Brockman’s US Bank email account with the subject line, “Fyi.” The email contained the following screenshot:



74. On February 22, 2021, at 10:22 a.m., Keilholz sent an email from the email account tkeil@trkvalpo.com to Brockman's US Bank email account that read, "Any news from Jack." Brockman responded with the following email:

From: Brockman, Anthony O <anthony.brockman@usbank.com>
Sent: Monday, February 22, 2021 10:26 AM
To: Todd Keilholz <tkeill@trkvalpo.com>
Subject: RE: Fyfi

Only sharing with you....
They are still needing to clear what we've talked about.
I know you don't understand this but wanted to send

```
02/19 16:33 BRWALZ  RR      D62 PER BELOW: HOLD CODES TO CLEAR #1
02/19 16:32 BRWALZ  AP      C96
02/19 16:32 BRWALZ  MA OVRD C96 99E L3999
02/19 16:32 BRWALZ  IE      C96 RETURNING TO AP STATUS SINCE POST V3.
      RETURNING TO D62 QUEUE TO HAVE HOLD CODE RESEARCHED.
```

So what this says is:
#1 someone with the authority reversed the turn down.
#2 what we talked about is still the hold up
#3 once we get project design done we will worry with the others

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At 10:39 a.m., Keilholz responded to this email and stated, “And that I have no problems in over 10 years and I hope I didn’t mark the wrong thing and said yes on the question if you have any felony’s now against you Thanks Anthony.” At 10:53 a.m., Brockman responded from his US Bank email account with an email that read, “You did not. We did the questions together...” No other entries occurred in the electronic loan file system for Project Design until March 15, 2021, but it appears that no US Bank employee performed any work on this loan application until March 26, 2021.

75. According to US Bank’s electronic loan file system, another new loan file was created for a \$2,000,000 second round PPP loan for TL Builders at 11:02 a.m. on March 9, 2021. On March 10, 2021, a US Bank employee entered a comment into the electronic loan file system that this was a duplicate application that was declined on February 20, 2021, and declined the loan.

76. According to US Bank’s electronic loan file system, another new loan file was created for a \$2,000,000 second round PPP loan for TL Builders at 11:26 a.m. on March 17, 2021.

On March 18, 2021, a US Bank employee entered a comment into the electronic loan file system that this applicant's loan application was previously reviewed under a different internal US Bank loan number. On March 19, 2021, a US Bank employee declined the loan. According to records received from US Bank, "Banker Anthony O Brockman added the following note to document at 3/22/20021 3:17 PM: 2019 taxes and 2020 to show reduction in revenue." The two documents with this note were a 2020 Schedule C for "TLBUILDERS LLC" reporting \$19,960,080 in gross receipts purportedly signed by Todd R. Keilholz and a 2019 Schedule C for "TL Builders LLC" reporting \$27,082,030 in gross receipts. I know from the investigation into Keilholz and review of the company's bank records that TL Builders had no gross receipts during 2019 and no deposits into its bank accounts other than PPP loan funds and a loan from Keilholz's wife. No other entries were made into the electronic loan file system for this loan.

77. On March 20, 2021, Keilholz sent an email to Brockman at the email address aobrockman@live.com. The body of the email read, "Here is an update on this VALPO job. This email was observed during the search of the contents of Keilholz's cell phone. However, I cannot see if there is an attachment to this email. Brockman responded to the email from the email account aobrockman@live.com that he is always amazed at Keilholz's work and that he was going to send the email to T. Brockman. Keilholz responded to Brockman's email and stated, "Show your father on-law what we do please. These are money makers. Just need more money lol." Brockman responded to Keilholz's email from the email account aobrockman@live.com and asked if Keilholz entertained doing work in other states like Nebraska. According to an interview of Brockman's boss at US Bank from July of 2020 through May of 2021, T. Brockman's father allegedly owned a bank in Nebraska.

78. On March 22, 2021, Brockman sent an email from his US Bank email account to Matthew D. Myers, a US Bank employee. The subject line referred to the reference number for the second round PPP loan application for Project Design. The body of the email read, “Good afternoon Matt, I have a PPP customer who application has sat in D62 since 02/19/2021. On March 15th-19th it was updated with D62 status but DS action code. This is a high value opportunity to gain more business form a phenomenal customer. I would appreciate if you and I could discuss by phone. Time is of the essence which is why I am coming to straight to you. I certainly understand that I am skipping protocol to reach out to you. However I promise I would not do it if I didn’t feel this matter deserved the best attention possible.”

79. On March 25, 2021, at 2:46 p.m., Keilholz sent an email from the email account tkeil@tlbuilder.com to the email address aobrockman@live.com. The subject line of this email read, “TL Builder LLC.” On March 25, 2021, at 6:12 p.m., Keilholz appears to have sent an email from the email account tkeil@trkconstruct.com to the email address aobrockman@live.com. There subject line was empty and the body of the email was just Keilholz’s signature. The “status” of this email stated “Unread.” Therefore, I cannot tell from the download of the contents of Keilholz’s cell phone whether the second email was actually sent. These emails were observed during the search of the contents of Keilholz’s cell phone.

80. On March 25, 2021, at 6:40 p.m., Keilholz sent an email from tkeil@trkconstruct.com to Brockman’s US Bank email account with the subject line, “Project Design.” The body of the email read, “Anthony, Here are the new 941’s from our new system, maybe this is what the bank wants.” At 6:41 p.m., Keilholz forwarded the email that he had just sent to Brockman’s US Bank email account to Brockman’s email address aobrockman@live.com. At 6:52 p.m., Keilholz sent an email to Brockman’s US Bank email account with the subject line,

“TL Builders.” The body of the email read, “Anything, These are TL Builders tax forms from account. Maybe they will be happier with these.” Keilholz immediately forwarded the email to Brockman’s email address aobrockman@live.com.

81. In the search of the contents of Keilholz’s cell phone, there are no other emails from Keilholz to any of Brockman’s email accounts or from Brockman to Keilholz between March 31, 2021, and December 13, 2021.

82. On April 8, 2021, at 8:08 a.m., Melanie Reyna with US Bank sent an email to Keilholz at tkeil@trkproject.com. The subject line read, “Action needed: Your SBA PPP loan application ACAPS 20210194101606 key123.” This is the reference number for the second round PPP loan application for Project Design. The email stated that in order for the loan application to receive further consideration, US Bank needed a copy of the 2019 tax return or other recently filed tax forms. According to a review of the call detail records for Brockman’s cell phone and a review of the contents of Keilholz’s cell phone, no communication occurred between Keilholz and Brockman on April 8, 2021. However, Brockman sent an email to Reyna at 9:29 a.m. that read, “Good morning Melanie, The borrower contacted me and asked to send the attached documents to you. He stated he is in a doctor appointment and doesn’t have access to computer. I helped him get docs in on first draw so I still had in a folder.” A document titled “Project Schedule C 2019 2020.pdf” was attached to the email. According to a review of the records provided by US Bank that were attached to this email, this document was a copy of a 2019 Schedule C and a signed copy of a 2020 Schedule C signed at the top by Keilholz on February 4, 2021. This document could not have been in Brockman’s possession from helping Keilholz during the application for the first round PPP loan which occurred in the summer of 2020 because

the 2020 Schedule C would not have been completed for tax year 2020 in the summer of 2020. It cannot be accurately completed until after the 2020 year end.

83. On April 13, 2021, Brockman conducted an instant message (IM) chat with US Bank employee Kristin Voss regarding Keilholz's applications for second round PPP loans for his three companies. On April 20, 2021, another new loan file was created for a \$1,999,017 second round PPP loan for TL Builders at 10:58 a.m. according to US Bank's electronic loan file system. On April 21, 2021, Voss engaged other US Bank employees about Keilholz's loan application for the second round PPP loan for TL Builders. Brockman was also included in this email conversation. On April 21, 2021, the second round PPP loan application for TL Builders was declined by US Bank. On April 22, 2021, US Bank employee Jennifer Malich entered the code into US Bank's electronic loan file system for Project Design to decline the second round PPP loan application. Malich entered the comment, "Do not reinstate per Jennifer Malich" into the electronic loan file system.

84. On February 13, 2023, Lee Ann Piontek was interviewed by FBI Agents. Piontek advised that she previously worked at US Bank and supervised Brockman from approximately July 1, 2020 until Brockman quit working for US Bank in May of 2021. Brockman was hired to be the branch manager for the US Bank location inside of the Truman Medical Center in Kansas City, Missouri. However, when the COVID-19 pandemic hit, that US Bank branch was closed. Brockman was moved to work in an extra office in the US Bank branch that Piontek managed. Brockman was assigned to work on PPP loans. Brockman entered customer's information into the system for PPP loans but he was not supposed to help with customers' documents at the time. Brockman called customers to clarify information that was previously provided and to request additional records. US Bank had a list of requirements that needed to be met. If the requirements

were not met, Brockman called those customers to obtain additional information. Calling to follow up with customers was the only thing Brockman should have been involved with related to the PPP loans. Customers did have problems uploading documents into the system for their PPP loan applications. Therefore, it was fine for US Bank employees to upload documents sent to them by customers into the LDRS system for the customer. However, US Bank employees working on PPP loans were “inputters”, not “advisors” during the PPP loan application process. US Bank’s policy is that employees are not allowed to accept gifts from customers over \$20 because it could be misconstrued as a bribe. When Brockman began his employment at US Bank, he was given an onboarding binder which had a hard copy of US Bank’s ethics policy. In addition, there were many trainings that Brockman received during his employment that mentioned US Bank’s ethics policy.

85. Brockman’s assignment to work on PPP loans ended on or around July 1, 2020. In addition, Philip Suiter with US Bank told Keilholz in June of 2020 that he could not provide specific guidance or coaching outside of the link he previously shared with Keilholz. However, Brockman appears to have provided substantial assistance to Keilholz in reviewing documents that Keilholz sent to Brockman for the first and second round PPP loan applications. Keilholz purchased a vehicle that cost \$73,543 for Brockman in November of 2020 and Brockman accepted the gift of the vehicle which was against US Bank’s policies. Keilholz was sending documents related to the second round of PPP loan applications to Brockman utilizing Brockman’s personal email accounts and US Bank email accounts starting on December 28, 2020, even though applications for the second round of PPP loans were not accepted until January 18, 2021, and Brockman was no longer assigned to assist with PPP loans. Based on a review of all of the evidence obtained to date in the investigation, I cannot guarantee that we have captured all of the

email communications between Keilholz and Brockman's personal email accounts. I believe that if Brockman was following US Bank policies, there would be no reason for him to provide Keilholz with his personal email accounts to send Keilholz's company documents to in relation to the PPP loans that Brockman was helping Keilholz obtain. Based on the information detailed in the above paragraphs, I believe that Brockman was reviewing the documents that Keilholz sent to him and was subsequently coaching Keilholz on what figures to change in the documents in order to ensure that the PPP loans would get approved. Additionally, I believe conversations regarding Brockman's knowledge that the figures on Keilholz's loan application supporting documents were not accurate will be observed in Brockman's personal email accounts.

86. In general, an email that is sent to a Google, LLC, or Microsoft Corporation subscriber is stored in the subscriber's "mail box" on Google, LLC, or Microsoft Corporation servers until the subscriber deletes the email. If the subscriber does not delete the message, the message can remain on Google, LLC, or Microsoft Corporation servers indefinitely. Even if the subscriber deletes the email, it may continue to be available on Google, LLC, or Microsoft Corporation's servers for a certain period of time.

87. A federal grand jury subpoena was issued to Google, LLC for the subscriber information for the email account aobrockman@gmail.com and served on January 5, 2023. According to the subpoena compliance received, the name on the Google account was reported as Anthony Brockman, the account was created on February 14, 2010, and the account was still active. The recovery email account was reported as aobrockman@live.com and the recovery SMS number was reported as 816-830-2721. A preservation letter was served on Google, LLC to preserve the contents of the account with the email address aobrockman@gmail.com on January 4, 2023.

88. A federal grand jury subpoena was issued to Microsoft Corporation for the subscriber information for the email account aobrockman@live.com and served on January 11, 2023. Microsoft Corporation has not complied with the subpoena yet. However, it is apparent from the email exchanges between Keilholz and the email account aobrockman@live.com described in the paragraphs above that the email account is utilized by Brockman. A preservation letter was served on Microsoft Corporation to preserve the contents of the account with the email address aobrockman@live.com on January 6, 2023.

89. Based upon the foregoing, I assert that probable cause exists that the Google account associated with the email address aobrockmand@gmail.com and the Microsoft account associated with the email address aobrockman@live.com contain evidence of violations of Title 18, United States Code, Sections 215(a)(2), 1956(a)(1)(B)(i), and 1343, that is, bribery of a bank official, money laundering, and wire fraud.

BACKGROUND CONCERNING EMAIL

90. In my training and experience, I have learned that Google, LLC, and Microsoft Corporation provide a variety of on-line services, including electronic mail (“email”) access, to the public. Google, LLC, and Microsoft Corporation allow subscribers to obtain email accounts at the domain names gmail.com (Google, LLC) and live.com (Microsoft Corporation), like the email account listed in Attachment A to each search warrant. Subscribers obtain an account by registering with Google, LLC, and Microsoft Corporation. During the registration process, Google, LLC, and Microsoft Corporation ask subscribers to provide basic personal information. Therefore, the computers of Google, LLC, and Microsoft Corporation are likely to contain stored electronic communications (including retrieved and unretrieved email for Google, LLC, and Microsoft Corporation subscribers) and information concerning subscribers and their use of

Google, LLC, and Microsoft Corporation services, such as account access information, email transaction information, and account application information. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

91. In my training and experience, email providers generally ask their subscribers to provide certain personal identifying information when registering for an email account. Such information can include the subscriber's full name, physical address, telephone numbers and other identifiers, alternative email addresses, and, for paying subscribers, means and source of payment (including any credit or bank account number). In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users. Based on my training and my experience, I know that, even if subscribers insert false information to conceal their identity, this information often provides clues to their identity, location, or illicit activities.

92. In my training and experience, email providers typically retain certain transactional information about the creation and use of each account on their systems. This information can include the date on which the account was created, the length of service, records of log-in (i.e., session) times and durations, the types of service utilized, the status of the account (including whether the account is inactive or closed), the methods used to connect to the account (such as logging into the account via the provider's website), and other log files that reflect usage of the account. In addition, email providers often have records of the Internet Protocol address ("IP address") used to register the account and the IP addresses associated with particular logins to the account. Because every device that connects to the Internet must use an IP address, IP address

information can help to identify which computers or other devices were used to access the email account.

93. In my training and experience, in some cases, email account users will communicate directly with an email service provider about issues relating to the account, such as technical problems, billing inquiries, or complaints from other users. Email providers typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications. In my training and experience, such information may constitute evidence of the crimes under investigation because the information can be used to identify the account's user or users.

94. As explained herein, information stored in connection with an email account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, the information stored in connection with an email account can indicate who has used or controlled the account. This "user attribution" evidence is analogous to the search for "indicia of occupancy" while executing a search warrant at a residence. For example, email communications, contacts lists, and images sent (and the data associated with the foregoing, such as date and time) may indicate who used or controlled the account at a relevant time. Further, information maintained by the email provider can show how and when the account was accessed or used. For example, as described below, email providers typically log the Internet Protocol (IP) addresses from which users access the email account, along with the time and date of that access. By determining the physical location associated with the logged IP addresses, investigators can

understand the chronological and geographic context of the email account access and use relating to the crime under investigation. This geographic and timeline information may tend to either inculcate or exculpate the account owner. Additionally, information stored at the user's account may further indicate the geographic location of the account user at a particular time (e.g., location information integrated into an image or video sent via email). Last, stored electronic data may provide relevant insight into the email account owner's state of mind as it relates to the offense under investigation. For example, information in the email account may indicate the owner's motive and intent to commit a crime (e.g., communications relating to the crime), or consciousness of guilt (e.g., deleting communications in an effort to conceal them from law enforcement).

CONCLUSION

95. Based on the forgoing, I request that the Court issue the proposed search warrants.

96. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving the warrants on Google, LLC, and Microsoft Corporation. Because the warrants will be served on Google, LLC, and Microsoft Corporation, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

97. The facts set forth in this affidavit are true and correct to the best of my knowledge and belief.

Further, Affiant sayeth not.



Stacy R. Banks
Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 41 by telephone on this, the 1st day of March, 2023.



Willie J. Epps, Jr.
United States Magistrate Judge